



### **Hackney Carriage and Private Hire Driver Points Based Enforcement Scheme**

Points based enforcement is a method by which licensed drivers, operators or owners can be issued with points against their Council Licence by authorised officers of the Council. Points would be used for less serious breaches of licence conditions or legislation. The issuing of points formalises the previous practice of issuing warnings. The aim is to encourage licence holders to comply with all legislation, licence conditions and behave in an acceptable manner at all times, thereby improving the professionalism and reputation of the Hackney Carriage and Private Hire trade. The points system would operate in addition to all existing enforcement options and would have regard to the principles of the councils 'General Enforcement Policy'.

- 1.0 The points system aims to provide a fast and efficient way of dealing with lesser breaches of legislation or local conditions. Licence holders who habitually disregard the less serious aspects of the licensing regime will accumulate points. Points will be issued according to a scale developed by the council as part of the scheme. Points will accumulate on a licence until they reach the trigger level. At which time the licence holder will be referred to Licensing Appeals Sub Committee for consideration of the licence holder's fitness to hold a licence.
- 2.0 The points will be administered by authorised enforcement officers and recorded on the Council's licensing database. The system will be used for offences which would not normally trigger a referral to Licensing Appeals Sub Committee or Court and which are resolved by the licence holder after it is brought to their attention. Points will also be available for the Licensing Appeals Sub Committee, should they wish to attach points to a licence, in addition to any warning issued. The scheme will help provide an open and transparent method of how a licence holder will be assessed in terms of the 'fit and proper person' test contained within the licensing legislation and contained within the Council's Hackney Carriage and Private Hire Licensing Policy.
- 3.0 Points will remain on a licence for two years from the date of issue, unless they are considered by the Licensing Appeals Sub Committee before that time, when the Committee may exchange the points for a formal sanction or extend the period the points remain on the licence.
- 4.0 Where a licence holder accumulates the trigger level of penalty points more than once in any three year period, the Licensing Appeals Sub Committee will consider whether a licence should be revoked or suspended if they believe the accumulation of points indicates that the driver is not a 'fit and proper person'. Each case will be considered on its own merits.

- 5.0 Any licence holder who contests the issuing of penalty points may request a hearing before the Licensing Appeals Sub Committee – the Licensing Appeals Sub Committee will have the discretion to reduce, remove or increase the number of points applied to the licence. A driver will retain the right to be represented at any meeting of the Licensing Board Sub Committee either legally or otherwise, and to state any relevant mitigating circumstances.
- 6.0 Points can be issued at the roadside or on site by authorised enforcement officers. Points issued to a Licence holder will be confirmed in writing within ten working days from the contravention or at the conclusion of an investigation into a complaint.
- 7.0 The Council may cancel points issued to a licence and replace them with a formal sanction, if additional information becomes available subsequent to the issuing of points which would persuade the Council that the severity of the issue warrants a more formal approach.
- 8.0 The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation.

**A comprehensive policy document will follow in 2018 for consideration and approval by Licensing Committee**